U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

		or form 1449A/PTO			Complete if Known				
					Application Number	To be assigned			
	INFO	RMATION D	ISCLO	SURE	Filing Date	February 5, 2004			
	STAT	EMENT BY	APPLI	CANT	First Named Inventor	N. Osterrieder et al.			
	•				Art Unit	1648			
		(Use as many sheets a	s necessary).	Examiner Name	S.A. Foley			
She	et	1	of	4	Attomey Docket Number	1/1199-1-C1			

			U.S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ^{2 (# known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
BB		^{US-} 6,193,983 B1	02/27/2001	Crabb and Studdert	
BB		^{US-} 5,084,271	01/28/1992	M. J. Studdert	
BB		^{US-} 6,277,621 b1	08/21/2001	Horsburg et al.	
		US-			
		US-			
		US-			
		U\$-			
		US-	·		
		US-			·
		US-	-		
		US-			

	FOREIGN PATENT DOCUMENTS						
Examiner initials*	Cite No.	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (# known)	` Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	₹	
*************						Т	
*****				·····			

			***********************	• • • • • • • • • • • • • • • • • • • •	***************************************	Т	

	_					
			<u> </u>			
1	Examiner				Date	4 2 4 2 4 2 2 2 2
	Signature	/Ponjonin Plumol/				10/16/2006
ı	Signature	Benjamin Blumel/	•	=	Considered	1 . 10/10/2000

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of Information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete user including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Petent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08b (08-03)
Approved for use through 06/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

	Substitute for	form 1449B/PTO				Complete if Known	
٠					Application Number	To be assigned	
	INFO	RMATION D	ISCLO	SURE	Filing Date	February 5, 2004	
•	STAT	EMENT BY	APPLIC	CANT	First Named Inventor	N. Osterrieder et al.	-
			•		Art Unit	1648	
		(Use as many sheets a	as necessary)		Examiner Name	S.A. Foley	
abla	Sheet	2	of	4	Attorney Docket Number	1/1199-1-C1	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
ВВ		D. SCHUMACHER ET AL: "Reconstitution of Marek's Disease Virus Serotype 1 (MDV-1) from DNA Cloned as a Bacterial Artificial Chromosome and Characterization of a Glycoprotein B-Negative MDV-1 Mutant' JOURNAL OF VIROLOGY, THE AMERICAN SOCIETY FOR MICROBIOLOGY, US, vol. 74, no. 23, December 2000, pages 11088-11098.	
ВВ		M. MESSERLE ET AL: "Cloning and mutagenesis of a herpesvirus genome as an infectious bacterial artificial chromosome" PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE. WASHINGTON, US, vol. 94, no. 26, 1 December 1997, pages 14759-14763.	
вв		J. RUDOLPH ET AL: "Cloning of theGenomes of Equine Herpesvirus Type 1 (EHV-1) Strains KyA and Ract 11 as Bacterial Artificial Chromosomes (BAC)." JOURNAL OF VETERINARY MEDICINE SERIES B. vol. 49, no. 1, February 2002, pages 31-36.	
BB		J. Rudolph and N. Osterrieder: "Equine herpesvirustype 1 devoid of gM and gp2 is severelyimpaired in virus Egress but Not Direct Cell-to-Cell Spread." VIROLOGY, vol. 293, no. 2, 15 February 2002 (2002-02-15), pages 356-367	
ВВ		W. BRUNE ET AL: "Forward with BACs - new tools for herpesvirus genomics" TRENDS IN GENETICS, ELSEVIER, AMSTERDAM, NL, vol. 16, no. 6, June 2000 (2000-06), pages 254-259.	
вв		ALISTAIR McGREGOR ET AL: "Recent Advances in Herpesvirus Genetics Using Bacterial Artificial Chromosomes." MOLECULAR GENETICS AND METABOLISM, vol. 72, no. 1, January 2001 (2001-01), pages 8-14.	
ВВ		GRANOFF A, WEBSTER R G (eds): "Encyclopedia of Virology" 1999, ACADEMIC PRESS, HARCOURT BRACE, SAN DIEGO, CA, USA XP001121578; O'Callaghan, D. J., and Osterrieder, N.: "Equine Herpesviruses (hERPESVIRIDAE)" page 508- page 515.	*****
ВВ		E.A.R. TELFORD ET AL: "THE DNA SEQUENCE OF EQUINE HERPESVIRUS-4" THE JOURNAL OF GENERAL VIROLOGY, ENGLAND MAY 1998, vol 79 (pt5), May 1998, pages 1197-1203.	
BB		D. R. FITZPATRICK and M. J. STUDDERT: "Immunologic Relationships Between Equine Herpesvirus Type 1 (Equine Abortion Virus) and type 4 (Equine Rhinoneumonitis Virus): AMERICAN JOURNAL OF VETERINARY RESEARCH, vol. 45, no. 10, 1 October 1984 (1984-10-01), pages. 1947-1952.	
ВВ		P.H. HUEBERT ET AL: "Alternations in the equine herpesvirus type-1 (EHV-1) strain RacH during attenuation." ZENTRALBLATT FUR VETERINARMEDIZIN, REIHE B. JOURNAL OF VETERINARY MEDICINE, SERIES B. GERMANY March 1996, vol. 43, no. 1, pages 1-14.	•••••

Examiner Signature	/Benjamin Blumel/	Date	10/16/2006
Signature	, ,	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

/ s	Substitute for	form 1449B/PTO				Complete if Known	
		•			Application Number	To be assigned	
	INFO	RMATION DI	SCLO	SURE	Filing Date	February 5, 2004	
	STAT	EMENT BY	APPLI	CANT	First Named Inventor	N. Osterrieder et al.	
					Art Unit	1648	
		(Use as many sheets as	necessary)	Examiner Name	S.A. Foley	
	Sheet	3	of	4	Attorney Docket Number	1/1199-1-C1	

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
ВВ	·	Neubauer et al. "Equine herpesvirus 1 mutants devoid of glycoprotein B or M are apathogenic for mice but induce protection agains challenge infection." Virology, 1997; 239: 36-45	
ВВ	·	T. MATSUMURA ET AL: "Lack of virulence of the murine fibroblast adapted strain, Kentucky a (KyA), of equine herpesvirus type 1 (EHV-1) in young horses" VETERINARY MICROBIOLOGY, AMSTERDAM, NL, vol. 48, no. 3-4, 1996, pages 353-365.	••••••
ВВ		A. NEUBAUER ET AL: "Analysis of the Contributions of the Equine Herpesvirus 1 Glycoprotein gB Homolog to Virus Entry and Direct Cell-to-Cell Spread." VIROLOGY. UNITED STATES 20 JAN 1997, vol. 227, no 2, pages 281-294.	
BB		A. NEUBAUER ET AL: "Die Mutationen im US2- und Glykoprotein B-Gen des Equinen Herpesvirus 1-Impfstammes RacH haben keinen Einfluss auf seine Attenuierung" "Mutations within the US2 and Glycoprotein B genes of the Equine Herpesvirus 1 Vaccine Strain Rach Do not Account for its Attenuation" Berliner und Muenchener Tierserztliche Wochenschrift, Paul Parey, Berlin, De, vol. 112, no. 9, September 1999, pages 351-354.	
BB		N. OSTERRIEDER: "Construction and characterization of an equine herpesvirus 1 glycoprotein C negative mutant." VIRUS RESEARCH, NETHERLANDS, FEBRUARY 1999, vol. 59, no. 2, pages 165-177	
ВВ		H. CSELLNER ET AL: "EHV-1 glycoprotein D (EHV-1gD) is required for virus entry and cell-cell fusion, and an EHV-1 gD deletion mutant induces a protective immune response in mice." ARCHIVES OF VIROLOGY, vol. 145, no. 11, 2000, pages 2371-2385.	
ВВ	************	T. MATSUMURA ET AL: "An Equine Herpesvirus Type 1 Recombinant with a Deletion in the gE and gI Genes is Avirulent in Young Horses." VIROLOGY. UNITED STATES 1 MAR 1998, vol. 242, no. 1, 1 March 1998 (1998-03-01), pages 68-79.	
ВВ		H. E. FARRELL ET AL: "Vaccine Potential of a Herpes Simplex Virus Type 1 Mutant with an Essential Glycoprotein Deleted" JOURNAL OF VIROLOGY, THE AMERICAN SOCIETY FOR MICROBIOLOGY, US, vol. 68, no. 2, 1 February 1994 (1994-02-01), pages 927-932.	
BB	·	L. HUTCHINSON ET AL: "Herpes Simplex Virus Glycoprotein K Promotes Egress of VirusParticles." JOURNAL OF VIROLOGY. UNITED STATES SEP 1995, vol. 69, no. 9, September 1995 (1995-09), pages 5401-5413.	
ВВ		"RECOMBINANT HERPESVIRUSES LACKING GENE FOR GLYCOPROTEIN L" RESEARCH DISCLOSURE; KENETH MASON PUBLICATIONS, EMSWORTH, GB, no. 371, 1 March 1995 (1995-03-01), pages 129-130.	•••••

f I	/Benjamin Blumel/		10/16/2006
Examiner	/benjamin biumei/	Date	
Signature		Considered]

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for	form 1449B/PTO	:		Complete if Known			
				Application Number	To be assigned		
INFOR	RMATION D	ISCLO	SURE	Filing Date	February 5, 2004		
STATI	EMENT BY	APPLI	CANT	First Named Inventor	N. Osterrieder et al.		
				Art Unit	1648		
•	Use as many sheets	as necessary)		Examiner Name	S.A. Foley		
Sheet	4	of	4	Attorney Docket Number	1/1199-1-C1		

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
BB		A. NEUBAUER ET AL: "Equine Herpesvirus 1 Mutants Devoid of Glycoprotein B or M are Apathogenic for Mice by Induce Protection against Challenge Infection" VIROLOGY, ACADEMIC PRESS, ORLANDO, US, vol. 239, no. 1, 8 December 1997 (1997-12-08), pages 36-45.	
ВВ		N. OSTERRIEDER ET AL: "Deletion of genE 52 encoding glycoprotein M or equine herpesvirus type 1 strain RacH results in increased immunogenicity." VETERINARY MICROBIOLOGY, vol. 81, no. 3, 8 August 2001 (2001-08-08), pages 219-226.	:
BB		K. R. MARSHALL ET AL: "An Equine Herpesvirus-1 Gene 71 Deletant is Attenuated and Elicits a Protective Immune Response in Mice." VIROLOGY, ACADEMIC PRESS, ORLANDO, US, vol. 231, no. 1, 1997, pages 20-27	
ВВ	•	YI SUN ET AL: "The role of the gene 71 product in the life cycle of equine herpesvirus 1" JOURNAL OF GENERAL VIROLOGY, SOCIETY FOR GENERAL MICROBIOLOGY, READING, GB, vol. 77, no. 3, 1 March 1996 (1996-03-01) pages 493-500.	
BB	·*************************************	M. SUTER ET AL: "BAC-VAC, a novel generation of (DNA) vaccines: A bacterial artificial chromosome (BAC) containing a replication-competent, packaging-defective virus genome induces protective immunity against herpes simplex virus 1." PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE, WASHINGTON, US, vol. 88, no. 22, 28 October 1999, pages 12697-12702	
ВВ	·*************************************	E. A. R. TELFORD ET AL: "The DNA Sequence of Equine Herpesvirus-1." VIROLOGY, ACADEMIC PRESS, ORLANDO, US, vol. 189, no. 1, 1992, pages 304-316.	•••••
вв	************	A. MAYR ET AL: "Untersuchungen zur Entwicklung eines Lebendimpfstoffes gegen die Rhinopneumonitis (Stutenabort) der Pferde" JOURNAL OF VETERINARY MEDICINE, SERIES B- ZENTRALBLATT FUER VETERINAERMEDIZIN, REINE B. PAUL PAREY, BERLIN, DE, vol. 15, 1968, pages 406-418.	
ВВ		Translation of A. MAYR et al. "Investigations towards the Development of a Live Vaccine against Equine Rhinopneumonitis-1" 1968, pp. 406-418	•••••
	••••••••••••••••	,	

Examiner		2.4	10/16/2006
	/Benjamin Blumel/	Date	10/10/2000
Signature	/ Doil jamili Diamici/	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Drawline through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.